IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20668 OF 2005

Date: 22.09.2005

BETWEEN:

Kothapalle Seenaiah

.... PETITIONER

Vs.

1. The District collector, Chittoor, Chittoor District, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20668 OF 2005

ORDER:

The petitioner claims to be the owner of the agricultural land admeasuring to an extent of Acs.1.46 in S.No.177-7 of Katikapalle Village, S.R. Puram Mandal in Chittoor District. He alleges that the District Collector, the first respondent herein accorded administrative sanction for construction of C.C. (Cement Concrete Channel) drain of Katikapalle, and the respondents 2 and 3 are attempting to lay a channel in his land. He also made a categorical statement that the local MLA, Mani came to the petitioner's land and started construction of C.C. drain work. Therefore, the petitioner filed instant writ petition seeking a declaration that the respondents have no right to construct C.C. drain in his land in S.No.177-7 of Katikapalle village.

The matter was listed before this Court Yesterday. This Court directed the learned Assistant Government Pleader for Panchayat Raj to get instructions in the matter. Today after getting instructions, the learned Assistant Government Pleader submits that the C.C. drain is being constructed in the vacant space on the R & B road and not in the petitioner's

land. He also placed before this Court the report submitted by the second respondent to the first respondent and the certificate issued by the Mandal Revenue Officer Sri Rangaraja Puram Mandal, which would show that the width of the R & B road in S.No.161 of Katikapalle is 108 links and there is sufficient space for construction of C.C. drain. Therefore, it must be held that the writ petition is filed on a factual foundation, which is not sound and which is not born out by any record.

The Writ Petition is therefore dismissed in limine.

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(**V.V.S. RAO, J.)**

22nd September, 2005

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